IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE FIRST DAY OF FEBRUARY

TWO THOUSAND AND SEVEN

: PRESENT:

THE HON'BLE SRI JUSTICE: RAMESH RANGANATHAN

CC. NO. 427 of 1998

AND

W.P. No.18110 OF 2004

WP. No. 18110 of 1998

Between:

Subedar Kashmira Singh, S/o. S. Gurdial Singh, R/o. Chota Bazar, Golconda, Hyderabad..

Petitioner

AND

1. Government of India, rep. By its Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Head Quarters, New Delhi.
3. T h e General Officer Commanding-in-Chief, Headquarters, Southern Command, Pune-411 001.
4. The General Officer commanding, Atnkk & G Area, Madras – 600 011.
5. Commandant Artillery Records, Nasik Road, Comp. Maharashtra.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus declaring the proceeding of the 5th respondent dated 20-02-1998 in the reference JC 95036/LC/149/J-1/LE/6 thereby granting benefits in the scale of Subedar Major is arbitrary, illegal and contrary to the judgment of this Honourable Court dated 18-03-1997 in W.P.No.4519/91 and further direct respondents to implement the said judgment by granting the benefits namely :

(a) Difference of salary between the Subedar and Subedar Major from February, 1988 to 31-10-1989 on which date I was illegally retired.
(b) The salary for the period 1-11-1989 to 14-08-1991 in the rank of Subedar Major.
(c) The salary of Honorary Lieutant from 15-08-1991 to 25-01-1992
(d) The salary in the rank of Honorary Caption for the period from 26-01-1992 to 29-02-1992.
(e) Pensionary benefits in the rank of Honorary Captain and
(f) All other allowances and benefits attached to ranks referred to above during the said respective periods.

COUNSEL FOR THE PETITIONER: Sri M. Ravindranath Reddy.
COUNSEL FOR THE RESPONDENTS: Sri M. Ratna Reddy

C.C. No. 427 of 1998

Between:

Subedar Kashmira Singh, S/o. S. Gurdial Singh, R/o. Hyderabad..

Petitioner

AND

1. Government of India, rep. By its Secretary, Ministry of Defence, New Delhi.
2. General Ved Prakash Molika, the Chief of Army Staff, Army Head quarters, New Delhi.

3. Lt. General H.M. Khanna, the General Officer Commanding-in-Chief, Head Quarters, Southern Command, Pune-411001.
4. Major General S.P. Kapar, the General Officer Commanding, Atnkk & G Area, Madras-600011.
5. Brigadier P.S.S. Nair Commandant Artillery Records, Nasik Road, Comp. Maharashtra.

Respondents

Contempt Case filed under Sections 10 to 12 of the Contempt of the Courts Act praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to punish the Respondents 1 to 5 for violation of the judgment dated: 18-03-1997 in Writ Petition No. 4519 of 1991 passed by the Hon`ble Court;

COUNSEL FOR THE PETITIONER: Sri M. Ravindranath Reddy.
COUNSEL FOR THE RESPONDENTS: Sri M. Ratna Reddy

These Writ Petition and Contempt Case coming on for hearing upon perusing the petitions and the affidavit filed herein and upon hearing the arguments of the above mentioned counsel, the court made the following

ORDER:

"While Sri M. Ratna Reddy, learned Central Government Standing Counsel, would submit that the records, relating to grant of Honorary ranks of Lieutenant and Captain for the Republic Day and Independence Day parades in 1989 and the process of selection of candidates for being recommended for such Honorary ranks have been destroyed, Sri M. Ravindranath Reddy, learned counsel for the petitioner would dispute this fact and submit that the list of destroyed documents filed before this Court does not contain the proceedings relating to the selection of candidates or the names of selected candidates recommended for conferment of such Honorary ranks in the Republic Day and Independence Day parades in the year 1989. Learned counsel would also point out that at Sl. No. 60 of the list, while a reference is made to file No. of the Republic Day and Independence Day parades of 1989, the subject relates to general correspondence and does not relate to this selection process.

Since this question forms the crux of the dispute, it is appropriate that an affidavit be filed by an Officer of responsible rank of the Army Headquarters in New Delhi deposing to these facts on oath and giving particulars as to the date on which the records relating to these selection proceedings were destroyed.

Post on 15-02-2007".

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Ministry of Defence, Govt. of India, New Delhi.

2. The Chief of Army Staff, Army Head Quarters, New Delhi.
3. T h e General Officer Commanding-in-Chief, Headquarters, Southern Command, Pune-411 001.
4. The General Officer commandisng, Atnkk & G Area, Madras – 600 011.
5. The Commandent Artillery Records, Nasik Road, Comp. Maharashtra.
6. General Ved Prakash Molika, the Chief of Army Staff, Army Head quarters, New Delhi.
7. Lt. General H.M. Khanna, the General Officer Commanding-in-Chief, Head Quarters, Southern Command, Pune-411001.
8. Major General S.P. Kapar, the General Officer Commanding, Atnkk & G Area, Madras-600011.
9. Brigadier P.S.S. Nair Commandent Artillery Records, Nasik Road, Comp. Maharashtra.
10. Sri M. Ratna Reddy, Central Government Counsel, High Court of A.P., Hyderabad. (BY PSECIAL MESSENGER)
11. Sri M. Ravindranath Reddy, Advocate, High Court of A.P., Hyderabad.
12. One spare copy.

Ksv

HIGH COURT

RRJ

DATE: 01-02-2007

NOTE: POST ON 15-02-2007

ORDER

CC. No. 427 of 1998
AND
WP NO. 18110 of 1998

DIRECTION